

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FISCHER *et al.*

Appl. No.: 10/591,128

§ 371 Date: June 7, 2007

For: **Oil-Based Suspension Concentrates**

Confirmation No.: 7332

Art Unit: 1611

Examiner: Buckley, Audrea

Atty. Docket: 2400.0720000/RWE/L-Z

**First Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97(c)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Form, PTO/SB/08A, are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. §1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98. This First Supplemental Information Disclosure Statement is a continuation of the Applicants' Information Disclosure Statement filed on January 25, 2008, in connection with the above-captioned application.

In accordance with 37 C.F.R. § 1.98(a)(2), copies of the U.S. patent and patent application publications, Form PTO/SB/08A, documents **US1** to **US25**, are not submitted. In addition, copies of **NPL2** to **NPL9** are not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is *sua sponte* waived where the cited pending application is stored in the USPTO's IFW system."

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents **FP1-FP4**, previously cited on Information Disclosure Statement Form PTO/SB/08A filed January 25, 2008:

Document **FP1**, WO 97/36868 A1, is in a foreign language. Document **US1**, 6,140,358, is believed to be an English language equivalent of document FP1.

Document **FP2**, WO 98/05638 A2 & A3, is in a foreign language. Document **US2**, 6,255,342 B1, is believed to be an English language equivalent of document FP2.

Document **FP3**, WO 02/098230 A2, is in a foreign language. Document **US3**, 2004/0157743 A1, is believed to be an English language equivalent of document FP3.

Document **FP4**, WO 03/000053 A1, is in a foreign language. Document **US5**, 2007/0066489 A1, is believed to be an English language equivalent of document FP4.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

U.S. Application No. 12/373,166, inventors Fischer, R., *et al.*, filed on July 6, 2007; not published.

U.S. Application No. 12/304,904, inventors Fischer, R., *et al.*, filed on June 5, 2007; not published.

U.S. Application No. 12/305,135, inventors Fischer, R., *et al.*, filed on June 5, 2007; not published.

U.S. Application No. 12/304,958, inventors Fischer, R., *et al.*, filed on June 5, 2007; not published.

U.S. Application No. 12/373,648 inventors Fischer, R., *et al.*, filed on July 11, 2007; not published.

U.S. Application No. 12/373,205, inventors Fischer, R., *et al.*, filed on July 6, 2007 ; not published.

U.S. Application No. 12/373,197, inventors Fischer, R., *et al.*, filed on July 6, 2007; not published.

U.S. Application No. 12/373,188, inventors Fischer, R., *et al.*, filed on July 6, 2007; not published.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. The required fee is provided through online credit card payment authorization in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Lei Zhou
Attorney for Applicants
Registration No. 48,291

Date: December 17, 009
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
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